

EMPLOYMENT AGREEMENT—COMMUNITY DEVELOPMENT DIRECTOR  
CITY OF SEBASTOPOL

This Agreement (“Agreement”) is entered into on December 3, 2024, by and between the CITY OF SEBASTOPOL, a municipal corporation (“City”), and EMI THERIAULT (“Director” together with the City “the Parties”).

1. EMPLOYMENT.

City Manager, by its City Council, hereby employs Director to serve as Sebastopol Community Development Director. Such employment shall be as an at-will. Director understands and agrees that she has no constitutionally protected property or other interest in her employment as Sebastopol Community Development Director. Director understands and agrees that she serves at the pleasure of the City Manager and may be terminated or asked to resign at any time, with or without cause.

2. TERM/TERMINATION/SEVERANCE.

A. The term of this Agreement shall begin on December 4, 2024, and shall remain in effect for three years unless terminated pursuant to this Agreement. The term of this agreement may be extended thereafter by mutual written agreement.

B. Resignation. Director may terminate her employment by delivering to the City Manager a written resignation which will become effective sixty days (60) following delivery of the resignation unless waived by the City Manager. From the date upon which Director resigns until the actual date upon which the resignation becomes effective, Director shall continue to devote her full time, attention, and effort to the duties anticipated hereunder and shall perform the same in a professional and competent manner.

C. Mutual Agreement. The Parties may mutually agree to terminate the employment of Director. Upon agreement to terminate the employment of the Director and until the effective date of the termination of this Agreement, Director shall continue to devote her full time, attention, and effort to the duties anticipated hereunder and shall perform the same in a professional and competent manner.

D. Termination without cause & Severance. Termination of Director’s employment without cause may be affected by the City Manager giving thirty (30) days’ prior written notice to Director. Upon such termination, Director shall be entitled to additional salary equal to that which would accrue during thirty (30) calendar days following the Director’s termination date plus the cash equivalent of all accumulated vacation as of the day of termination. Director’s acceptance of said severance pay shall constitute a final settlement and satisfaction of all claims of Director against the City arising out of her employment.

E. Termination with cause. The City Manager may terminate Director’s employment for cause at any time by giving notice of termination and an opportunity to respond to the allegations prior to termination. Cause includes, but is not limited to: unauthorized absence; conviction of a felony

or of any criminal act involving moral turpitude; hostile and discourteous treatment of employees; mismanagement of City funds; conduct which brings discredit to the City; disorderly conduct; incapacity due to mental or physical disability to the extent permitted by law; willful concealment or misrepresentation of material facts in applying for or securing employment; willful disregard of a lawful order from a duly constituted authority; willful disregard of a City policy and/or laws regarding the confidentiality of records; using, being in possession of, or being under the influence of or abuse of alcohol, narcotics, intoxicants, drugs, or hallucinatory agents during working hours or reporting to work under such conditions; negligence or willful damage to public property or waste or theft of public supplies or equipment; repeated refusal to comply with a proper directives of the City Manager; falsification of any records; making material dishonest work-related statement to other employees at work or committing perjury; willful carelessness or violation of safety rules and regulations which jeopardize the safety of others and/or which could result in bodily injury to others or damage to City property; and sexual or other unlawful harassment of or unlawful discrimination against another employee or applicant for employment, or volunteer or intern.

### 3. DUTIES.

The City employs Director to provide any and all work necessary to act as Community Development Director as set forth in the Community Development Director job classification specification attached and incorporated herein as Exhibit A, which may be amended by Council action from time to time. Director shall be a department head of the City and be responsible to the City Manager for the proper administration of all affairs and day-to-day activities of the staff and operations of the Community Development Department.

### 4. COMPENSATION.

During her term of employment, Director's base annual salary shall be \$181,464. This amount is subject to authorized or required deductions and withholdings and paid on the City's regular paydays every two weeks. Director is an exempt employee under applicable wage and hour law and her base salary shall be compensation for all hours worked.

The City shall also provide to Director a cellular telephone and laptop at City expense which shall remain the property of the City.

### 5. BENEFITS

Director shall receive the following benefits:

- **CalPERS Retirement Plan Membership:** CalPERS determines a member's retirement level. PEPRA employees pay 50% of the normal cost of retirement, the employee share in 2024 is 7.68% and in 2025 is 7.87%.
- **Health Insurance:** City paid Kaiser HMO with the option for Director to pay the difference and enroll in Anthem Blue Cross Health Plan instead. If Director provides proof of other health coverage and chooses not to enroll in health care through the City of Sebastopol, Director will be eligible for 20% of the plan Director qualifies for as an in-lieu payment.
- **Dental and Vision Coverage:** The City will provide dental and vision insurance for

Director and her eligible dependents, without premium cost to Employee.

- Sick Leave: Director will accrue sick leave as laid out in the City's Personnel Rules which currently provide 120 hours per year or 10 hours a month (4.6154 hours a pay period).
- Vacation: Director will be eligible to accrue vacation hours in accordance with the rules, caps, and maximums described in the City's Personnel Rules, initially the accrual will be 10 working hours per month. During the first six months of employment, Director will accrue vacation hours, however, Director may not access or use accrued vacation. Further, vacation accruals will not be reflected on Director's paystub during the first six months of employment.
- Administrative Leave: In fiscal year ("FY") 2025, Director will be granted 50 hours of Administrative Leave. Beginning in FY 2026, Director will be granted a total of 100 hours Administrative Leave with pay during each fiscal year (50 hours accrued on July 1st and 50 hours accrued on January 1st.) Director may use this time to take paid leave from work. In the first full pay period of June of each fiscal year, the City will pay out the balance in your Administrative Leave accrual bank or 40 hours, whichever is smaller. Any balance left in the bank will not carry over from year to year.
- The City observes 15 holidays. A list of holidays can be found in the attached City Personnel Rules.
- The Council values professional development and it will be considered as the budget allows.

## 6. EVALUATION.

Director shall receive initial performance evaluations at six months and twelve months from the City Manager, and an annual evaluation every twelve months thereafter. Copies of such performance evaluations shall be placed in the Director's personnel file. Performance evaluations must include objectives and goals for the coming evaluation period.

## 7. PROFESSIONAL MEETINGS.

Director is expected to represent the City at appropriate professional local and state meetings and conferences approved by the City Manager, at no cost to Director.

## 8. REIMBURSEMENT OF EXPENSES.

Director shall comply with City's Purchasing Ordinance with respect to legitimate expenses incurred in the course and scope of their employment, and the City will pay for or reimburse as appropriate actual and necessary expenses incurred by Director while acting in the course and scope of their employment, in compliance with the City's policies, and as approved by the City Manager. Expenses regarding membership in professional organizations shall be permitted as an expense if budgeted and authorized in advance by the City Manager.

9. INDEMNIFICATION.

City agrees to indemnify, defend, and hold harmless Director against any and all claims and legal actions against Director pursuant to Government Code Section 825.

10. ENTIRE AGREEMENT.

The Parties agree that this Agreement contains all the agreements of the Parties and cannot be amended or modified except by written amendment or agreement. This Agreement may be amended at any time by the mutual consent of the parties by written amendment.

11. NOTICES.

Any notices pursuant to this Agreement shall be sent by regular mail addressed as follows:

- A. City: Don Schwartz, 7120 Bodega Avenue, Sebastopol, CA 95472.
- B. Director: Emi Thériault, 4151 Wake Robin Dr, Glen Ellen, CA95442

12. INTERPRETATION OF AGREEMENT AND FORUM.

This Agreement shall be construed and interpreted in accordance with the laws of California. In the event of any dispute arising from this Agreement, the forum for judicial review shall be the Superior Court, Sonoma County.

13. SEVERABILITY.

If any provision or portion of this Agreement is held invalid by a court of competent jurisdiction, the remainder shall be deemed severable and shall not be affected and shall remain in full force and effect insofar as possible.

14. SURVIVAL.

Many sections of this Agreement are intended by their terms to survive termination of Director, including but not limited to sections regarding separation or termination of Director. Such sections shall survive termination of employment and termination of this Agreement.

15. AMENDMENTS.

This Agreement may be amended from time to time by mutual agreement of the Parties. Any amendments are to be negotiated, reduced to writing, and adopted by the City Council.

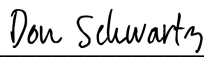
16. CONFLICT OF INTEREST.

Director shall not engage in any business or transaction or have a financial or other personal interest or association, direct or indirect, which is in conflict with the proper discharge of official duties or would tend to impair independent judgment or action in the performance of official duties. Director shall also be subject to conflict-of-interest provisions of the Political Reform Act of 1974 and Government Code section 1090 as applicable to Director's employment.

17. EXECUTION.

In witness whereof, the parties have executed this Agreement as of the day and year first above written.

CITY MANAGER

Signed by:  
  
4EB87FD724BC48B...


Don Schwartz

COMMUNITY DEVELOPMENT DIRECTOR

Signed by:  
  
432670B3A8D147C...

Emi Thériault

Approved as to form:

Signed by:  
  
008DB79D572A4EB...

Alex Mog, City Attorney

**City of Sebastopol**  
**Job Description**

**Job Title:** Community Development Director  
**Division:** Management  
**Department:** Planning  
**Location:** City Hall  
**Shift:** As Assigned  
**Reports To:** City Manager  
**Prepared By:** HR Advisor (MTC)  
**Approved By:** City Council  
**Approved Date:** April 23, 2024  
**FLSA Status:** Exempt

**SUMMARY**

Under administrative direction the Community Development Director oversees all functions and activities of the Community Development Department. Focused on planning activities, this position materially participates in current and long-range planning, affordable housing and development activities, administers housing and zoning codes, and serves as a liaison to the business community, including developing economic development strategies. The position may also oversee the building, inspection, and code enforcement functions of the City. The position coordinates Community Development Department activities with other City departments, officials, contractors, consultants, outside agencies, and the public to ensure cohesive and efficient development and planning processes. The Community Development Director reflects a demonstrative cultural competency working with all community members regardless of cultural differences or circumstances including race, ethnicity, religion, language, gender identity, age, marital and familial status, sexual orientation, diverse physical and learning abilities, socioeconomic status, and other identities. This position provides highly responsible and complex professional consult to the City Manager to advance the City's planning, housing, economic development, and building and development goals and objectives and may serve as the City Manager or Assistant City Manager in either manager's absence or as assigned. Performs related duties as assigned.

**DISTINGUISHING CHARACTERISTICS**

This Department Director role oversees, directs, and engages in all activities of the Community Development Department with a key focus on current and long-range planning, housing, and economic development, including staff support of various boards, committees, and commissions, and serving as liaison to the business community. The incumbent is responsible for achieving the department's planning and operational goals and objectives, while also advancing the City's broader goals and objectives within established policy guidelines. Additionally, this position acts on behalf of the City Manager in various administrative, coordinative, analytical, and liaison capacities.

**SUPERVISION RECEIVED AND EXERCISED**

This is an "at will" classification serving at the pleasure of and receiving administrative direction from the City Manager. This role's duties allow for a broad scope of independent decision-making within legal, policy, and regulatory guidelines. It involves exercising general direction and supervision over professional, technical, and administrative support staff.

**EXAMPLES OF ESSENTIAL DUTIES AND RESPONSIBILITIES (Illustrative Only):**

*Management reserves the right to add, modify, change, or rescind the work assignments of different positions and to make reasonable accommodations so that qualified employees can perform the essential functions of the job.*

- Assumes full management responsibility for all assigned Community Development Department programs, services, and activities, including current and long-range planning, housing and development programs, the development of economic development strategies, and may also oversee City building and code inspection and enforcement activities.
- Oversees, administers, and directs the professional and technical staff, consultants, or contractors performing work on department activities.
- Develops, directs, and coordinates the implementation of goals, objectives, policies, procedures, and work standards for the department.
- Prepares, establishes, and implements appropriate budget, service, and staffing levels.
- Interprets, implements, directs, coordinates, enforces, recommends changes for, and reviews amendments to the General Plan, including the Housing Element, housing, zoning codes, and other codes related to the maintenance of community standards.
- Conducts research and analysis of land use and related issues.
- Assesses and collects fees and penalties and participates in fee studies and fee hearings.
- Prepares environmental review documents and directs the work of consultants.
- Produces and/or coordinates public events, various meetings, and community workshops.
- Serves as Zoning Administrator and conducts public hearings on proposed projects.
- Serves as City Manager or Assistant City Manager in either manager's absence, as assigned.
- Supervises, trains, develops, evaluates the performance of, and works with assigned employees on the correction of performance.
- Serves as liaison to the business community, owners, developers, contractors, residents, and various boards and Commissions. Develops economic development strategies and proposes options, recommendations, and solutions to planning issues.
- Prepares, reviews, and presents compelling, accurate, timely, and informative reports charts, and presentations staff reports, various management and information updates to the Planning Commission, Design Review body, City Council, and various community groups and organizations, as assigned.
- Confers with developers regarding development applications and processes; completes processing of the most difficult and complex planning applications; and advises staff on processing applications.
- Performs the most complex and sensitive planning duties, prepares documentation and responses for appeal hearings; and serves as staff resource in technical areas.
- Receives, coordinates, investigates, maintains records for, and resolves questions and complaints relating to planning and zoning matters and other department functions.
- Works closely and effectively with other City departments and governmental jurisdictions to coordinate the department's programs and projects.
- Provides analysis, recommendations, and implements policies and procedures; develops and presents recommendations on a variety of permits, maps, ordinances, zone changes, and applications.
- Manages efficiency and effectiveness of service delivery methods and procedures; assesses and monitors the distribution of work, support systems, and internal reporting relationships; identifies opportunities for improvement; directs the implementation of change.
- Oversees professional services contracts including request for proposal development, advertising and distribution, selection, award administration, work performance, and contract compliance.
- Conducts various departmental organizational and operational studies and investigations; recommends modifications to programs, policies and procedures as appropriate.
- Attends and participates in professional group meetings; stays abreast of new trends and innovations in community development and other services as they relate to the assignment area.
- Monitors changes in laws, regulations, and technology that may affect City or departmental operations; implements policy and procedural changes as required.
- Interprets and communicates departmental programs, policies, and activities; negotiates and

- resolves significant and controversial issues.
- Performs other duties as assigned.

## QUALIFICATIONS

### Knowledge of:

- Theories, principles, and contents of General Plan, housing strategies, land use, zoning, subdivision, and urban planning regulations, natural resource protection, and environmental laws.
- Theories, principles, and methods of economic development and community vitality.
- Administrative and supervisory principles and practices, including goal setting, program development, implementation, and evaluation, and supervision of staff.
- Zoning, housing, and building codes and their application and use.
- Processes for efficient operation of permitting, inspection, and code enforcement processes.
- Public agency budget development, contract administration, City-wide administrative practices, and general principles of risk management related to the functions of the assigned area.
- Organizational and management practices as applied to the analysis and evaluation of projects, programs, policies, procedures, and operational needs.
- Principles and practices of municipal government administration.
- Principles and techniques of conducting site planning, architectural review, subdivision design, land use, and other analytical studies, evaluating alternatives, and making sound recommendations.
- Applicable Federal, State, and local laws, rules, regulations, ordinances, and organizational policies and procedures relevant to assigned area of responsibility.
- Technical, legal, financial, and public relations problems associated with the management of community development programs.

### Ability to:

- Develop and implement goals, objectives, policies, procedures, work standards, and internal controls for the department and assigned program areas.
- Provide administrative and professional leadership and direction for the department and the City.
- Prepare and administer large and complex budgets; allocate limited resources cost-effectively.
- Manage projects, programs, and consultants timely and effectively.
- Interpret, apply, explain, and ensure compliance with applicable Federal, State, and local laws, rules, regulations, policies, and procedures.
- Plan, organize, direct, and coordinate the work of professional, technical, and administrative support personnel, delegate authority and responsibility.
- Research, analyze, and evaluate new service delivery methods, procedures, and techniques.
- Effectively administer special community development programs, and administrative activities.
- Conduct effective negotiations and effectively represent the City and the department in meetings with stakeholders.
- Effectively and persuasively convey thoughts and ideas.
- Discern and interpret governmental regulations related to housing, planning, and code enforcement activities and meet compliance requirements.
- Develop and inspire staff to meet department and city objectives and benchmarks in an environment that is often changing and challenging.
- Explain complex ideas in easily understood terms patiently and effectively.
- Prepare clear and concise reports, correspondence, policies, procedures, and other written materials.
- Conduct complex research projects, evaluate alternatives, make sound recommendations. ,
- Establish and maintain a variety of filing, record keeping, and tracking systems.
- Operate modern office equipment including computer equipment and specialized



software applications programs.

- Use English effectively to communicate in person, over the telephone, and in writing.
- Use tact, initiative, prudence, and independent judgment within general policy, procedural, and legal guidelines.

### **EDUCATION and/or EXPERIENCE**

*Any combination of training and experience that would provide the required knowledge, skills, and abilities is qualifying. A typical way to obtain the required qualifications would be:*

Equivalent to graduation from an accredited four-year college or university with major coursework in community development, urban planning, civil engineering, or a related field and five (5) years of management and/or administrative experience in community development, urban planning, and project administration.

### **Licenses and Certifications:**

- The ability to convey oneself between multiple geographic locations daily and timely or possession of, or ability to obtain, a valid California Driver's License by time of appointment.

### **PHYSICAL DEMANDS**

Must possess mobility to work in a standard office setting and use standard office equipment, including a computer, to inspect City development sites, to operate a motor vehicle, and to visit various City and meeting sites; vision to read printed materials and a computer screen; and hearing and speech to communicate in person, before groups, and over the telephone. This is primarily a sedentary office classification although standing in and walking between work areas may be required. Finger dexterity is needed to access, enter, and retrieve data using a computer keyboard or calculator and to operate standard office equipment. Positions in this classification occasionally bend, stoop, kneel, reach, push, and pull drawers open and closed to retrieve and file information. Employees must possess the ability to lift, carry, push, and pull materials and objects weighing up to 25 pounds.

### **WORK ENVIRONMENT**

Employees work in an office environment with moderate noise levels, controlled temperature conditions, and no direct exposure to hazardous physical substances. Employees may interact with upset staff and/or public and private representatives in interpreting and enforcing departmental policies and procedures.